

PATENT APPLN. NO. 10/573,755  
SUBMISSION UNDER 37 C.F.R. § 1.114

PATENT

REMARKS

New claims 13-16 have been added to the application.

Claim 13 is directed to the embodiment of the medical container of the present invention where separation display sections are disposed on both sides of the partition wall.

Claim 14 depends on claim 13 and recites that at least one of the separation sections is provided by printing on a film attached to the outer surface of the partition wall section of the container.

Claim 15 depends on claim 13 and limits the medical container of claim 13 to the embodiment where a symbol display section and a symbol covering section are each provided on both of the opposed films of the partition wall.

Claim 16 depends on claim 15 and recites that the symbol display section and the symbol covering section are disposed on the films so that the characters on one film alternate with the characters on the other film.

Claims 13-16 are patentable under 35 U.S.C. § 103(a) over the combination of Sperko, Hustad and Brochman used in the prior Actions in this application to reject the claims under 35 U.S.C. § 103(a). The combination of Sperko, Hustad and Brochman fails to disclose or suggest a medical container as recited in these claims

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in which a separable partition wall section is formed by heat-welding or bonding parts of container outer members opposed to each other; a separation display section is provided by printing on an outer surface of said partition wall section of each of the container outer members, each separation display section being visible from outside the container outer member opposed to the container outer member on which the separation display section is provided, prior to separation of the partition wall section, and each separation display section being at least partially blocked by contents in the medical container when the partition wall section is separated.

Moreover, applicants again respectfully submit that the combination of Sperko, Hustad and Brochman fails to support a case of prima facie obviousness under 35 U.S.C. § 103(a) of the medical container recited in claims 1-4, 7 and 10-12 of the application. A person of ordinary skill in the art would not have been motivated or have had a proper reason to modify Sperko according to the teachings of Hustad and Brochman as proposed by the Office in the Final Action. The invention of Hustad incorporates a peel seal area which has a contact clarity condition when sealed but which results in an opacity condition when the seal is broken. The opacity condition would at least partially obscure the contents of

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the container of Sperko in the broken seal area and prevent the contents from being capable of being visibly inspected as intended by Sperko.

An allowance of the claims of the application is in order and is respectfully requested.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



Ronald J. Kubovcik  
Reg. No. 25,401

Atty. Case No. NPR-185  
Crystal Gateway 3  
Suite 1105  
1215 South Clark Street  
Arlington, VA 22202  
Tel: (703) 412-9494  
Fax: (703) 412-9345  
RJK/ff